S.B. Civil Contempt Petition NO.117/2003
IN
S.B. Civil Writ Petition No.1065/2003

Hanumanram & Ors. Vs. Shri Ramswaroop Meena & Ors.

Date of Order : 02-12-2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. Anand Purohit, for the petitioner.
Mr. Sunil Mehta, for the respondents.

Heard learned counsel for the parties and perused the facts of the case.

It appears that the interim order was passed by this Court in favour of the petitioner on 12.3.2003 restraining the respondents from entering into the land of Khasra No.1324 measuring 10 Bighas 5 Biswas and Khasra No.1329 measuring 10 Bighas and 7 Biswas situated in village Tausar, Tehsil and District, Nagaur. The order was modified by order dated 25.4.2003 as respondent submitted that petitioner has encroached upon the land surrendered by one Shri Rewant Chand to the Government on which the respondent will be constructing the road. It is also submitted by learned counsel for the respondent that the petitioners are not co-operating in taking measurement of the land. Upon this submission, this Court ordered that Sub

Divisional Officer, Nagaur will go on spot and make measurements and after excluding the land of the petitioners, may proceed with the construction of the road.

It is alleged by the learned counsel for the petitioners that in gross violation to the order dated 25.4.2003, the respondents started construction on road by including the land of the petitioners.

The respondents No.1 and 4 submitted their reply and they submitted that a team was constituted to measure the land after the order of this Court dated 25.4.2003 and a copy of the order was sent to all the petitioners but the petitioners refused to accept the order. However, the petitioner Papa Lal remained present on the spot at the time of measurement of land on 7.5.2003 despite the fact of his refusal to accept the order dated 5.5.2003. The report was prepared on spot but the said Papa Lal did not sign the report. Therefore, according to respondents, they have not flouted the order of this Court but they obeyed the order of the Court. It is also submitted by the learned counsel for the petitioner that main writ petition has already been dismissed.

In view of the reasons given in the reply, I do not find any reason to proceed with the matter and the

contempt petition deserves to be dismissed and hence dismissed. Notices are discharged.

[PRAKASH TATIA],J.

Praveen